

CALFEE

Date: May 17, 2007
To: Ly, Anh-vu H.

Fax Number: (571) 273-8300
Send Only to the Above Fax Number:
Confirmation Phone Number: (571) 272-3175

From: Desiree Cunin
Direct Dial Phone Number: 216.622.8451

Client Number: 00706 **Matter Number:** 03905 **Client Name:** General IP Docket

Number of Pages: 2

Calfee, Halter & Griswold LLP

1400 KeyBank Center
800 Superior Avenue
Cleveland, Ohio 44114-2688
216.622.8200 Phone
216.241.0816 Fax

1100 Fifth Third Center
21 East State Street
Columbus, Ohio 43215-4243
614.621.1500 Phone
614.621.0010 Fax
www.calfeg.com

RECEIVED
CENTRAL FAX CENTER

MAY 17 2007

Message:

Please deliver to Examiner Anh-vu H. Ly.

Per my phone conversation with Examiner Ly on 5/17/07, the enclosed Notice of Abandonment for 09/605,610 was accidentally mixed in with an Office Action for one of our clients. It does not belong to our firm and the current correspondent information is not yet viewable in public PAIR.

Thanks,
Desiree Cunin
IP Docket Clerk

This facsimile transmission contains confidential and/or legally privileged information from the law firm of Calfee, Halter & Griswold LLP intended only for the use of the individual(s) named on the transmission sheet. If you are not the intended recipient, you are hereby notified that any disclosure, copying, distribution or the taking of any action in reliance on the contents of this facsimile transmission is strictly prohibited. If you have received this transmission in error, please notify us by telephone immediately so that we can arrange for the return of the documents to us at no cost to you.

If there is a problem with this transmission, please contact the Fax Department at: 216.622.8426, 216.622.8427, or 216.622.8428. Facsimiles can be received 24 hours per day, 7 days a week at 216.241.0816. Thank You.

Fax Operator's Initials:

Sent By: DH
Time: 4:39

Logged By: _____
Time: _____

MAY. 17. 2007 4:38PM

CALFEE HALTER GRISWOLD

RECEIVED
CENTRAL FAX CENTER

NO. 5386 P. 2

MAY 17 2007

Notice of Abandonment

Application No.

09/605,610

Examiner

Anh-Vu H. Ly

Applicant(s)

SCHMIDL ET AL.

Art Unit

2616

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

This application is abandoned in view of:

1. ☒ Applicant's failure to timely file a proper reply to the Office letter mailed on 08 February 2006.
 - (a) ☐ A reply was received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the period for reply (including a total extension of time of _____ month(s)) which expired on _____.
 - (b) ☒ A proposed reply was received on 13 July 2006, but it does not constitute a proper reply under 37 CFR 1.113 (a) to the final rejection.
 (A proper reply under 37 CFR 1.113 to a final rejection consists only of: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114).
 - (c) ☐ A reply was received on _____ but it does not constitute a proper reply, or a bona fide attempt at a proper reply, to the non-final rejection. See 37 CFR 1.85(a) and 1.111. (See explanation in box 7 below).
 - (d) ☐ No reply has been received.
2. ☐ Applicant's failure to timely pay the required issue fee and publication fee, if applicable, within the statutory period of three months from the mailing date of the Notice of Allowance (PTOL-85).
 - (a) ☐ The issue fee and publication fee, if applicable, was received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the statutory period for payment of the issue fee (and publication fee) set in the Notice of Allowance (PTOL-85).
 - (b) ☐ The submitted fee of \$_____ is insufficient. A balance of \$_____ is due.
 The issue fee required by 37 CFR 1.18 is \$_____. The publication fee, if required by 37 CFR 1.18(d), is \$_____.
 - (c) ☐ The issue fee and publication fee, if applicable, has not been received.
3. ☐ Applicant's failure to timely file corrected drawings as required by, and within the three-month period set in, the Notice of Allowability (PTO-37).
 - (a) ☐ Proposed corrected drawings were received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the period for reply.
 - (b) ☐ No corrected drawings have been received.
4. ☐ The letter of express abandonment which is signed by the attorney or agent of record, the assignee of the entire interest, or all of the applicants.
5. ☒ The letter of express abandonment which is signed by an attorney or agent (acting in a representative capacity under 37 CFR 1.34(a)) upon the filing of a continuing application.
6. ☐ The decision by the Board of Patent Appeals and Interference rendered on _____ and because the period for seeking court review of the decision has expired and there are no allowed claims.
7. ☐ The reason(s) below:

RECEIVED

MAY 16 2007

DBC IP. DEPT.

CHI PHAM
SUPERVISORY PATENT EXAMINER

Petitions to revive under 37 CFR 1.137(a) or (b), or requests to withdraw the holding of abandonment under 37 CFR 1.181, should be promptly filed to minimize any negative effects on patent term.

U.S. Patent and Trademark Office
PTOL-1432 (Rev. 04-01)

Notice of Abandonment

Part of Paper No. 20070504